

# United States Senate

WASHINGTON, DC 20510

December 13, 2016

The Honorable Daniel R. Elliot, III  
Chairman  
Surface Transportation Board  
395 E. Street, S.W.  
Washington, D.C. 20423

The Honorable Deb Miller  
Vice Chairman  
Surface Transportation Board  
395 E. Street, S.W.  
Washington, D.C. 20423

The Honorable Ann D. Begeman  
Member  
Surface Transportation Board  
395 E. Street, S.W.  
Washington, D.C. 20423

Dear Chairman Elliott, Vice Chairman Miller and Commissioner Begeman:

As Members of the Senate Committee on Commerce, Science & Transportation, which has jurisdiction over the Surface Transportation Board (STB), we are writing regarding the STB's recent activities. Last year, Congress passed the Surface Transportation Board Reauthorization Act of 2015, which reauthorized the agency for the first time, took steps to make the STB more efficient, and expanded STB membership.


The STB is considering changes to how it regulates railroads' business practices. It is important that market-based principles guide these regulatory decisions. Like any regulatory body, the STB should analyze the possible impacts of its proposed rules on all potentially affected entities. It is of particular importance given the headwinds currently facing the industry, which include slower growth in freight and the structural decline in the coal business. Market-based principles and comprehensive studies conducted with objective data should guide these regulatory changes.

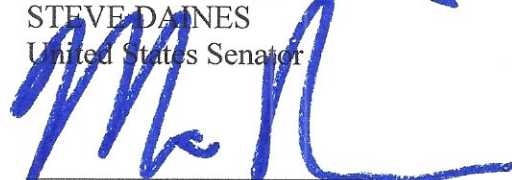
Further, we note that the STB is considering these changes before the changeover from one Administration to another. This switch will result in the nomination of new members and a new agency chairman, changing the makeup of the overall Board. The STB should defer further consideration of its pending rules until such time as President-elect Trump has nominated, and the United States Senate has confirmed, suitable new candidates for these positions, in addition to gathering sufficient economic data.

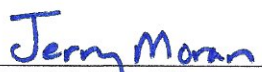
The nation's freight rail network is the best in the world, and the only transportation system in this country that does not rely on public funding. It is critical that the STB not take steps to hamper the nation's freight transportation system as freight traffic will likely increase over the coming decades. We look forward to hearing how the STB plans to ensure that the freight

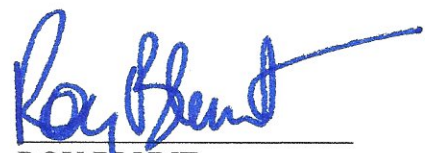
railroad industry continues to play a major role in contributing to a strong and vibrant U.S. economy as well as a smooth transition to the new Administration.


Sincerely,

  
STEVE DAINES  
United States Senator

  
MARCO RUBIO  
United States Senator

  
JERRY MORAN  
United States Senator

  
ROY BLUNT  
United States Senator

  
DAN SULLIVAN  
United States Senator